

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

THOMAS J. HOLZHAUSER, II et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:12CV185-HSO-RHW

MARGARET ALFONSO et al

DEFENDANTS

**PROPOSED FINDINGS OF FACT AND RECOMMENDATION**

Before the Court is Plaintiffs [3] Motion for Leave to Proceed *in forma pauperis*. Plaintiffs proceeding *pro se* filed a complaint against Defendants Margaret Alfonso, Cono Caranna, Brehm T. Bell, Sanford Steckler, Lisa Dorn Holzhauser, Eugene Fair, Attorney General James Hood, Mississippi Department of Human Services, the State of Mississippi, Thomas Kellar, Hancock County, and Harrison County alleging violations of the RICO Act, 18 U.S.C. § 1962. The lawsuit involves allegations about falsified documents as they relate to child support payments owed by Plaintiff Thomas J. Holzhauser, II.

In his *ifp* motion, Plaintiff Holzhauser indicates that his gross wages are \$2,253.84 for each "half month" with a take home pay of \$1,011.70 per half month. Attached pay statements indicate an annual salary in excess of \$47,000. Plaintiff also indicates that he has \$863.63 cash in a checking or savings account and that he owns 100 shares of Calgon Carbon common stock. He also owns two vehicles: a 1999 Ford F-150 and a 2003 Honda Pilot. Plaintiff claims approximately \$1,400 in monthly household expenses and bills. He also pays \$1,085 in child support each month. Plaintiff does not indicate any expenses relating to housing—such as rent or mortgage payments. Nor does he identify any additional debts or financial obligations.

Based on the foregoing, the undersigned concludes that Plaintiff is not entitled to *in forma pauperis* status. Plaintiff has not demonstrated that he is indigent. In fact, at the filing of his *ifp* petition, Plaintiff had sufficient cash on hand to pay the filing fee. The undersigned concludes that Plaintiff's motion should be denied and that he should be required to pay the full filing fee of \$350 within 30 days for his lawsuit to proceed.

#### **RECOMMENDATION**

The undersigned recommends that Plaintiffs' [3] Motion for Leave to Proceed *in forma pauperis* be denied and that Plaintiff be required to pay the full filing fee within 30 days.

#### **NOTICE OF RIGHT TO APPEAL/OBJECT**

Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions and recommendations to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the District Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar that party from a de novo determination by the District Court. Additionally, a party's failure to file written objections to the proposed findings, conclusions, and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed **factual findings and legal conclusions** that have been accepted by the district court and for which there is no written objection. *Douglass v. United*

*Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

SO ORDERED, this the 26th day of June, 2012.

/s/ *Robert H. Walker*

ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE